

Deposition of:
Officer Robert Skaggs

Case:
Gina Torres, et al.
v.
City of St. Louis, et al.

Date:
02/05/2020



360 Litigation Services

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EX. N

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4

5 GINA TORRES and DENNIS L. TORRES,

6
7 Plaintiffs,

8
9 vs.

Case No. 4:19-cv-01525-DDN

10
11 CITY OF ST. LOUIS, ET AL.,

12
13 Defendants.
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15
16

17 VIDEOTAPED DEPOSITION OF OFFICER ROBERT
18 SKAGGS, taken on behalf of the plaintiffs, at the
19 St. Louis City Counselor's Office, 1200 Market Street,
20 Room 314, City Hall, in the city of St. Louis, state
21 of Missouri, on Wednesday, the 5th day of
22 February, 2020, before Heather L. Shallow, Certified
23 Court Reporter, Registered Professional Reporter,
24 Registered Merit Reporter.
25

1 APPEARANCES OF COUNSEL:

2
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20 ALSO PRESENT:

21 Steve Johnston, Legal Video Specialist

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(Original exhibits retained by Mr. Dowd.)

1 OFFICER ROBERT SKAGGS,
2 of lawful age, having been first duly sworn to testify
3 the truth, the whole truth, and nothing but the truth
4 in the case aforesaid, deposes and says in reply to
5 oral interrogatories propounded as follows, to wit:

6 THE VIDEOGRAPHER: We are on the record at
7 1:07. Today's date is February 5th, 2020, and we are
8 at the office of the St. Louis City Counselor. The
9 address is 1200 Market Street, St. Louis, Missouri.

10 We are here today for the deposition of
11 Officer Robert Skaggs to be taken in the case of Gina
12 Torres versus City of St. Louis.

13 At this time would counsel identify
14 themselves for the record, please.

15 MR. DOWD: Richard Dowd for the plaintiff.

16 MS. MCGOWAN: Erin McGowan for the
17 defendants.

18 THE VIDEOGRAPHER: Thank you. Would the
19 court reporter please swear in the witness.

20 (Oath was administered.)

21 EXAMINATION

22 QUESTIONS BY MR. DOWD:

23 Q. Could you state your name for the record,
24 please?

25 A. Officer Robert Skaggs.

1 Q. Officer, my name's Richard Dowd, as you
2 know. I'm going to be asking you some questions this
3 afternoon. If I at any time ask a question that you
4 don't fully hear and understand, would you make me
5 repeat it until I -- until you do?

6 A. Yes, sir.

7 Q. Can you tell the jury where -- where you
8 were born and raised?

9 A. St. Louis, Missouri.

10 Q. Okay. And you attended schools here?

11 A. Yes.

12 Q. Okay. And can you tell the jury about your
13 education?

14 A. I graduated high school and college.

15 Q. Okay. Where'd you go to high school and
16 college?

17 MS. MCGOWAN: Can we go off the record for a
18 moment?

19 Q. (By Mr. Dowd) It's okay. If you don't want
20 to answer it, that's fine. Do you mind telling us
21 where you went to college?

22 A. Yeah. Missouri Baptist University.

23 Q. Okay. Okay. And what was your degree in?

24 A. Accounting.

25 Q. Okay. And then can you tell us

1 approximately what year that was?

2 A. When --

3 Q. You graduated college.

4 A. 1999.

5 Q. All right. And what did you do after that?

6 A. I went to work.

7 Q. Okay. At -- did you have a job before you
8 were a police officer?

9 A. Yes, I did.

10 Q. Okay. What did you do?

11 A. Before I was a police officer?

12 Q. Yes, sir.

13 A. I was a account portfolio manager.

14 Q. Okay. And how long did you do that?

15 A. I don't remember.

16 Q. Okay. And what year did you go on the
17 depart -- did you do anything between that account
18 management and the police department?

19 A. No.

20 Q. Okay. What year did you go on the
21 department?

22 A. I started at the academy September of 2002.

23 Q. Okay. And joined the department after the
24 academy?

25 A. Yes.

1 Q. Have you always been with the St. Louis
2 Metropolitan Police Department?

3 A. Yes.

4 Q. All right. And what have your duties been
5 since that time?

6 A. I've done -- worked on the Second District,
7 Third District. I was a detective in South Patrol
8 Bureau --

9 Q. Okay.

10 A. -- for approximately five years. I was in
11 -- in Force Investigation Unit for four years, and
12 right -- and I'm currently assigned to the Bureau of
13 Community Policing.

14 Q. What does the Bureau of Community Policing
15 do?

16 A. That is ran by a lieutenant colonel who
17 oversees the police officers in -- in -- in that.

18 Q. How long were you on the Force Investigation
19 Unit?

20 A. I believe it was -- I was in there four
21 years.

22 Q. Okay. And was that under Lieutenant
23 Engelhardt?

24 A. Yes.

25 Q. Do you know how long he's been the -- the

1 commander of the Force Investigation Unit?

2 A. He started -- when he started the unit,
3 that's when I came down, so he was there for about
4 four years.

5 Q. Okay. Can you tell us the first time -- are
6 you familiar with the neighborhood 54 -- 5414 South
7 Kingshighway?

8 A. I mean, I know where it's at, yes.

9 Q. Okay. Have you ever lived in that area?

10 A. Yes.

11 Q. And where did you live at -- do you still
12 live there?

13 A. No, I do not.

14 Q. Okay. What street did you live on?

15 MS. MCGOWAN: I'm going to object.

16 Q. (By Mr. Dowd) I'm not going to ask you for
17 the address. Just -- just the street you lived on.

18 MS. MCGOWAN: We're going to seek a
19 protective order on this issue. I think the officer
20 is --

21 Q. (By Mr. Dowd) Okay. Let me -- let me
22 phrase it this way: How far did you live from 5414
23 South Kingshighway? Was it in the immediate vicinity,
24 within a block or two or three or four?

25 A. No. It was a mile or so.

1 Q. Okay. Did you know any officers that lived
2 in that -- even closer still? If you were a mile
3 away, did you know any officers that lived closer to
4 5414 than you?

5 A. When I was there?

6 Q. Yes.

7 A. No.

8 Q. And what about now?

9 A. No, I don't know any officers that live over
10 there.

11 Q. Living around in that neighborhood?

12 A. Correct.

13 Q. Okay. What was the first thing you -- were
14 you involved in any of the investigation leading up to
15 the execution of the search warrant?

16 A. No.

17 Q. What was the first thing you heard about the
18 search warrant?

19 A. When we were informed that there was an
20 officer-involved shooting --

21 Q. Okay.

22 A. -- at there.

23 Q. Were you on the force involved unit at the
24 time?

25 A. Yes.

1 Q. Okay. And what were -- what were your
2 duties for the use of force investigation?

3 A. Our duties were involved -- we investigated
4 any officer-involved shooting, either an officer shot
5 someone or the officer themselves were shot, and any
6 other instance deemed by the chief of police we would
7 handle.

8 Q. Okay. If it was -- if it was some other
9 form of a -- of force?

10 A. Correct.

11 Q. Okay. And what -- what are the duties of
12 the use of force unit?

13 A. What do you mean by "duties"?

14 Q. What are they supposed to do as far -- once
15 they're -- let's say there is an officer-involved
16 shooting. What are their duties?

17 A. We go to the scene, we obviously try to
18 document the scene the best we can, then we do an area
19 canvass and attempt to locate any witnesses.

20 Q. Okay. All right. And when you say
21 "document the scene," do you mean with photographs and
22 that type of thing?

23 A. We have a -- Jamie Simpher used to be in our
24 unit. She used to work with ETU so she worked closely
25 with the ET officer on these scenes.

1 Q. Okay.

2 A. So she would go around and document -- not
3 -- I mean not take photographs but take notes of where
4 certain things were located.

5 Q. Okay. Was -- was that the Evidence
6 Technician's Unit's job or the Use of Force Unit?

7 A. ETU takes photographs and documents all of
8 -- any evidence that is at the scene.

9 Q. Okay.

10 A. We just take a mental note of what's at the
11 scene just in case somebody wants to know what was at
12 the scene itself.

13 Q. Okay. So you don't take photographs --

14 A. Not at the --

15 Q. -- at the scene?

16 A. Not at the scene, no.

17 Q. Okay. All right. That's all up to Officer
18 Sommers in this instance?

19 A. In -- yes, who is assigned to ETU.

20 Q. Okay. Diagrams, would that also be up to
21 the ETU?

22 A. Yeah. We -- we do -- do not do diagrams.

23 Q. Okay. All right. What other duties is the
24 Use of Force Unit supposed to fulfill when there has
25 been an officer-involved shooting?

1 A. Like I said, we do an area canvass for
2 witnesses. We go door to door, talk to the neighbors,
3 document -- that's documented in the report. Then we
4 also see if there's any video surveillance equipment
5 within the area, and if there is, we try to retrieve
6 that information.

7 Q. Okay. And were you able to perform
8 interviews in this assistance?

9 A. Me personally, no.

10 Q. You did not?

11 A. I did not.

12 Q. Okay. What about with regard to
13 surveillance equipment?

14 A. Me personally, no.

15 Q. Okay. Are you aware of whether -- I know
16 interviews were done. Are you aware of whether or not
17 there was any surveillance cameras or anything that
18 produced any evidence in this instance?

19 A. There was a video recording on a cell
20 phone --

21 Q. Okay.

22 A. -- that was captured --

23 Q. All right.

24 A. -- that I was aware of.

25 Q. All right. Anything else you're aware of?

1 A. No.

2 Q. Okay. All right. So, if you would, just
3 tell the jury what -- what all you did from start to
4 finish from the time you arrived on the scene.

5 A. When I arrived, I went inside just to get a
6 quick layout of the front room and that. At that
7 time, there was several people inside the house, ETU
8 and that, so I went outside and I started to help
9 canvassing the area for witnesses.

10 Q. I see. So can you tell us what rooms you
11 went into when you entered the home?

12 A. As you walk through the front door --

13 Q. Mm-hmm.

14 A. -- you make a left which is -- I assume
15 that's the living room.

16 Q. Okay.

17 A. Then I went into the dining room. At that
18 time, I came back outside.

19 Q. All right. You didn't go into the back
20 rooms or the bedroom?

21 A. No.

22 Q. All right. And did -- did you record what
23 you saw in any way?

24 A. No.

25 Q. Handwritten notes --

1 A. No notes.

2 Q. -- with a dictaphone or anything?

3 A. Nope.

4 Q. Okay. So you did canvass the neighborhood?

5 A. Yes.

6 Q. And who did -- you found some witnesses?

7 A. I did not.

8 Q. Okay. Did you perform any interviews?

9 A. I did not.

10 Q. Okay. How long were you at the scene?

11 A. I don't remember.

12 Q. Okay. Did you do anything else at the scene
13 that -- that you -- other than what you've already
14 described as far as -- as far as observing the scene
15 of the shooting and -- and attempting to find
16 witnesses?

17 A. Yes. Later on while at the scene I was
18 directed to seize the gun.

19 Q. All right. Are you familiar with the
20 department's policies and procedures with regard to --
21 I don't want to use the word "confiscating," but
22 taking evidence from a scene where there's an
23 officer-involved shooting?

24 A. I mean, there's really no specific order
25 directed to an officer-involved shooting with seizing

1 stuff. I mean, we do have -- I believe that there is
2 special orders for ETU --

3 Q. Okay.

4 A. -- Evidence Technician Unit.

5 Q. And what does that special order say with
6 regard to taking a weapon from the scene of a
7 shooting?

8 A. I -- I couldn't tell you. I haven't read it
9 in a while.

10 Q. Okay. Is it the policies and procedures of
11 the department that everything's supposed to be
12 photographed before it's touched?

13 A. That is correct.

14 Q. Okay. And nothing's supposed to be done to
15 it before it's photographed?

16 A. Correct.

17 Q. Okay. With regard to -- well, what was the
18 next thing -- have we discussed everything you did at
19 the scene? It's my understanding the photographs that
20 we're going to go through you took back at the
21 department?

22 A. Yes. Those are done at the police
23 headquarters.

24 Q. Okay. Is there anything else you did at the
25 scene other than take the -- the AK-47?

1 A. No. That is it.

2 Q. That is it?

3 A. Yes.

4 Q. Okay. I'm going to hand you what's been
5 marked Skaggs Plaintiff's Exhibit No. 1 and represent
6 to you that it is 51 photographs, and if you would --
7 I think you saw me marking them. Is that -- are those
8 all the photographs you took at the -- at the time
9 that -- that you got back to the department
10 headquarters?

11 A. From my recollection, yes.

12 Q. Okay. And can you just tell the jury what
13 -- what all those depict just in general?

14 A. Yes. The first picture is depicted of a
15 department-issued 9-millimeter Beretta with its
16 magazine and rounds.

17 Q. Okay. As far as those rounds, those are --
18 those are un -- unfired cartridges; correct?

19 A. Correct. Those would have come from the
20 magazine itself and one in the chamber.

21 Q. Okay. And was that Beretta 9-millimeter
22 used at the time of the execution of the warrant? Do
23 you know?

24 A. That I don't know.

25 Q. Okay. Why did you photograph that -- that

1 handgun?

2 A. Because the officer was there at the --

3 Q. All right.

4 A. At the time I -- we didn't know if he fired
5 or not --

6 Q. I see.

7 A. -- until interviews were conducted later on.

8 Q. Okay. And with regard to the -- do you know
9 now whether or not that -- that Beretta was fired?

10 MS. MCGOWAN: Objection. Asked and
11 answered.

12 Q. (By Mr. Dowd) Do you know why you
13 photographed it?

14 A. Because that gun was -- was used, was --
15 that -- shot was fired from that gun at the residence.

16 Q. Okay. Do you know how many shots were fired
17 from that gun at the residence?

18 MS. MCGOWAN: I'm going to object. It calls
19 for speculation.

20 Q. (By Mr. Dowd) If you know.

21 A. It depends if that gun was fully up to its
22 capacity. So I may -- it's an assumption. I -- I
23 don't know.

24 Q. Okay. But are you aware whether or not a
25 9-millimeter was fired by one of the officers at the

1 time of the execution of the warrant?

2 MS. MCGOWAN: Object. Speculation.

3 Q. (By Mr. Dowd) If you know.

4 A. At the time, no.

5 Q. Not at the time. I mean now. As of now do
6 you know whether a 9-millimeter was fired by any of
7 the officers at the time of the execution of the
8 warrant?

9 A. After reading the report, yes.

10 Q. Okay. And do you know who it was that fired
11 that?

12 A. No, I don't know.

13 Q. Do you know how many shots were fired from
14 the 9-millimeter?

15 MS. MCGOWAN: Objection.

16 A. No, I don't.

17 MS. MCGOWAN: Speculation.

18 Q. (By Mr. Dowd) Okay. Okay. You understand
19 not to answer if you don't know; correct?

20 A. Yeah.

21 Q. I don't want you guessing about anything.
22 You understand that, don't you?

23 A. Yes, sir.

24 Q. Okay. So you had nothing to do with -- with
25 the collecting the ballistic evidence, the -- the

1 shell casings or the bullets that were found at the
2 scene?

3 A. No.

4 Q. Who -- who would have done that?

5 A. That would have been the ET officer.

6 Q. Okay. And it's your understanding that was
7 Officer Sommers?

8 A. That is correct.

9 Q. Okay. The rest of these are pictures of the
10 officers in their SWAT uniforms and the rifles they
11 carried, et cetera?

12 A. Yes.

13 Q. Okay. Anything other than that in those
14 photographs?

15 A. The rifle itself, obviously, the magazine
16 and ammo.

17 Q. Can I see that, please? And what -- what
18 gun is that?

19 A. I couldn't tell you what type of gun that
20 is.

21 Q. Okay. It's -- is it a .226? Do you know?

22 MS. MCGOWAN: Objection. Asked and
23 answered.

24 Q. (By Mr. Dowd) Do you know why you took the
25 picture?

1 A. Took the picture because the officers that
2 were involved fired their weapon.

3 Q. One of them -- one of them fired this
4 weapon?

5 A. That's one of the weapons that was fired,
6 yes.

7 Q. Okay. All right. Okay. And other than the
8 officers in their uniform -- in their SWAT gear and
9 the weapons that were fired at the time of the
10 execution of the search warrant, did you take any
11 pictures of anything else?

12 A. No.

13 Q. All right. These go on the bottom.

14 Where was the AK-47 when you first saw it?

15 A. It was laying on the right side of
16 Mr. Hammett.

17 Q. I'm going to hand you what's been marked
18 Plaintiff's Exhibit No. 2, Skaggs Exhibit 2, and ask
19 you to identify that for the jury, please.

20 A. It's Mr. Hammett, then it shows a rifle
21 laying along his side.

22 Q. Okay. And that's the rifle that you took
23 into custody?

24 A. Yes.

25 Q. And took photographs of it at the scene?

1 A. No, I did not take photographs at the scene.

2 Q. Who did that?

3 A. That would have been the ET officer.

4 Q. Okay. Officer Sommers?

5 A. I -- I don't know.

6 Q. Did she do that before you took it?

7 MS. MCGOWAN: Objection. Foundation.

8 A. Took what?

9 Q. (By Mr. Dowd) Took the gun, the AK-47 from

10 -- from that location where you first saw it that you

11 said was --

12 A. What do you mean? Did -- did she take what?

13 Q. Did Officer Sommers take photographs -- you

14 didn't take pictures of the AK-47?

15 A. No, I did not.

16 Q. Did Officer Sommers?

17 A. I don't know.

18 Q. Okay. Have you ever seen any pictures of

19 it?

20 A. Just now, yes.

21 Q. The AK-47. Other than this one. Of just

22 the gun.

23 A. Yes.

24 Q. And do you know who took that?

25 A. No, I don't know.

1 Q. Do you know when it was taken?

2 A. No, I don't know.

3 Q. Do department policies and procedures
4 require that the pictures be taken before the evidence
5 is in any -- any way altered or -- or tampered with?

6 A. Yes.

7 Q. So if there were pictures of the gun taken,
8 it would have been before anything had been done to
9 it?

10 MS. MCGOWAN: Objection. Calls for
11 speculation. Form.

12 Q. (By Mr. Dowd) Yeah, I think you've already
13 answered it.

14 A. Yeah.

15 Q. Is that fair?

16 A. Pictures would have -- policy, pictures
17 would have been taken before that gun was ever moved.

18 Q. Or touched?

19 A. Touched.

20 Q. So was the gun in the same condition when
21 you took it from the scene as it was when it was under
22 Isaiah in that picture?

23 MS. MCGOWAN: Objection. Form.

24 A. When you --

25 Q. (By Mr. Dowd) The same condition. Had

1 anybody done anything to it, touched it or -- or
2 fooled with it?

3 A. I don't know.

4 Q. All right. But they're not supposed to
5 before the pictures are taken?

6 A. They take the pictures. Then once the
7 pictures are taken, I -- you know, ETU does what they
8 need to do.

9 Q. And then they gave it to you to take back to
10 police headquarters?

11 A. Correct.

12 Q. Okay. I'm going to hand you what's been
13 marked -- it's actually Exhibit 5 from Dr. Ely's --
14 Ely's deposition. Did you see that at the scene?

15 A. I don't remember.

16 Q. Okay. You don't remember seeing blood --
17 blood on the floor?

18 MS. MCGOWAN: Objection. Asked and
19 answered.

20 Q. (By Mr. Dowd) You don't remember seeing
21 blood on the floor?

22 A. Like I said, I don't remember.

23 Q. Okay. Do you remember seeing blood under
24 Mr. Hammett and all over Mr. Hammett?

25 A. I don't remember.

1 Q. Can you identify that for the jury, please?

2 A. That's a -- some sort of an assault rifle
3 with a magazine attached to it.

4 Q. Is that the rifle that you took from the --
5 the scene of the -- of Isaiah's home?

6 A. Yes.

7 Q. Okay. And that would have been taken before
8 you took it from the home?

9 A. That would have been taken before it, yes.

10 Q. Okay. Can you -- just want to show it to
11 the jury briefly. Can you identify anywhere on that
12 gun where there is any blood spots of any kind, drops
13 of any kind?

14 MS. MCGOWAN: Objection. Form.

15 Q. (By Mr. Dowd) You can answer.

16 A. By looking at the picture, I don't see any
17 blood.

18 Q. No blood?

19 A. No.

20 Q. I'll also show you another photograph of the
21 gun which appears to be the other side of the gun from
22 Plaintiff's Exhibit 3 from the Ely deposition. That's
23 the same gun?

24 A. Appears to be the same gun, yes.

25 Q. And it's from -- it's the other side of the

1 gun?

2 A. Yes.

3 Q. Do you see any blood on that side of the
4 gun?

5 A. By looking --

6 MS. MCGOWAN: Objection. Form.

7 A. Looking at the pictures, no.

8 Q. (By Mr. Dowd) Okay. Did you see anywhere
9 that it was documented in any of the reports by
10 Officer Sommers or anyone else that there was any
11 blood on that gun?

12 A. I don't remember.

13 Q. Okay. Have you spoken with Dr. -- with
14 Officer Sommers about her investigation?

15 A. No.

16 Q. Okay. Have you talked to anybody about it
17 other than your lawyer, the department's lawyer?

18 A. About the case itself?

19 Q. Yes.

20 A. No.

21 Q. Okay. Is there anything else that you can
22 recall about your investigation with regard to the --
23 the shooting at 5414 South Kingshighway that we
24 haven't discussed here today?

25 A. No. My investigation was very limited in

1 this particular case.

2 MR. DOWD: Okay. I think that's all I have.

3 MS. MCGOWAN: All right. I have no
4 questions for you, Officer. You have the right to
5 read through a copy of your deposition here today or
6 you can waive signature.

7 THE DEPONENT: I can waive it.

8 MS. MCGOWAN: Okay. Thank you.

9 THE VIDEOGRAPHER: This concludes the
10 deposition of Officer Robert Skaggs. We are off the
11 record at 1:33.

12
13 SIGNATURE WAIVED BY AGREEMENT OF COUNSEL
14 AND CONSENT OF WITNESS.

C E R T I F I C A T E

I, Heather L. Shallow, Certified Court Reporter within and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to notice/agreement in the cause now pending and undetermined in the United States District Court for the Eastern District of Missouri, Eastern Division, to be used in the trial of said cause in said court, I was attended at the City Counselor's Office, 1200 Market Street, Room 314, City Hall, in the city of St. Louis, State of Missouri, by the aforesaid witness, and by the aforesaid attorneys, on the 5th day of February, 2020.

That the said witness, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing pages correctly set forth the testimony of the aforementioned witness, together with the questions

1 propounded by counsel and remarks and objections of
2 counsel thereto, and is in all respects a full, true,
3 correct and complete transcript of the questions
4 propounded to and the answers given by said witness,
5 that signature of the deponent was waived by agreement
6 of counsel and of witness.

7 I further certify that I am not of counsel or
8 attorney for either of the parties to said suit, not
9 related to nor interested in any of the parties or
10 their attorneys.

11 Witness my hand at St. Louis, Missouri, this 12th
12 day of February, 2020.

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17
18
19 _____
20 Heather L. Shallow, CCR, RPR, RMR
21 CCR No. 0442
22
23
24
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